

REMARKS

Claims 1-37 are pending. By this Amendment, Claims 1, 13, 18, 21, 29-31 and 34-35 are amended.

Objection to Claim 34

In the Office Action, the Examiner objects to Claim 34 on grounds that it contains an informality. The amendment to Claim 34 obviates this objection. Withdrawal of the objection is respectfully requested.

Rejections under 35 U.S.C. §102(b)

In the Office Action, the Examiner rejects Claims 1-6, 13-15, 20, 21, 23, 24, 29-35, and 37 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Application Publication No. 2004/0116119 to Lewis, *et al.* (Lewis). This rejection is respectfully traversed.

The Examiner asserts that none of the claims disclose a network appliance that responds “*to the UUN by pulling the urgent update associated with or indicated by the UUN*”. Applicants note that the independent claims are broad enough to variously encompass this feature. Applicants also draw the Examiner’s attention to previously presented Claim 35.

Nevertheless, to advance prosecution Applicants amend the independent claims to further emphasize fundamental differences between Lewis and the claimed invention. The amendments are fully supported by the originally filed application. See, for example, the specification at page 2, line 3; page 8, lines 5-6; page 8, lines 14-20; and Figure 3, element 330.

As mentioned in the previously filed Amendment, in an exemplary embodiment of the invention variously encompassed by the claims, network appliances are updated using a “push alert”, “pull update” technique where an update server determines whether an update applies to specific network appliances. If yes, then the update server pushes an Urgent Update Notification (UUN) message to the network appliances. In response, the network appliances “pull” the update by

individually initiating contact with the update server to download the update, and then install the update on the respective network appliance.

Lewis pushes data items from a server to a client. See, e.g., numbered paragraphs 0006-0011. Furthermore, Lewis discloses firewalls arranged to protect the client(s), and apparently requires that the firewalls be reconfigured to include static holes in the firewalls so that data items can be pushed through the static holes in the firewalls to the client(s). See, e.g., Lewis at numbered paragraph 0075, for example in the right upper quadrant of page 7. Applicants note that static holes through firewalls are a problem that the presently claimed invention solves. Accordingly, Lewis is background art with respect to the claimed invention.

Lewis does not disclose or suggest a server pushing an update alert to a network appliance, and the network appliance responding to the alert by pulling the update from the server, as encompassed by the claims. Lewis also apparently fails to disclose an update alert.

Thus, Lewis fails to disclose or suggest a method that comprises a) *“receiving a message”*, and b) *“in response to determining that the message includes an UUN associated with an urgent update, establishing a connection with a server, pulling the urgent update from the server, and installing the urgent update”*, as recited for example in independent Claim 13.

Lewis likewise fails to disclose or suggest similar features recited in independent Claims 21 and 30, for example *“a system for managing a network, comprising: an update server configured to determine updates and to provide the updates to network appliances, the update servers being further configured to determine an update that is urgent and to send an urgent update notification (UUN) about the urgent update to each network appliance; and a network appliance configured to periodically obtain updates from the update server, the network appliance being further configured to receive from the update server an UUN associated with an urgent update and to pull the urgent update from the update server in response to the received UUN”*, as recited in Claim 21.

Lewis likewise fails to disclose or suggest a method that comprises “*determining an urgent update, creating an urgent update notification (UUN) associated with the urgent update, sending the UUN to the network appliances as messages, receiving a reply to the UUN from at least one of the network appliances, and providing the urgent update to the at least one of the network appliances in response to the reply*”, as recited in independent Claim 1, and similar features recited in independent Claims 29, 31 and 35.

For example, Lewis fails to disclose or suggest a network appliance that comprises “*a central processing unit and at least one data storage, wherein the central processing unit and the at least one data storage are configured to enable the network appliance to receive a message, determine if the message includes an UUN associated with an urgent update, establish a connection with a server and request the urgent update from the server in response to a determination that the message includes an UUN associated with an urgent update, receive the urgent update from the server, and install the urgent update*”, as recited in Claim 31.

It is clear that independent Claims 1, 13, 21, 29, 30, 31 and 35 variously encompass the concept of a UUN, in particular of a UUN being generated and sent or pushed to a network appliance, and the network appliance responding to the UUN by pulling an urgent update associated with or indicated by the UUN.

The portions of Lewis cited by the Examiner do not appear to disclose or suggest all features recited in the independent claims.

The Examiner argues with respect to independent Claims 1, 13, 21 and 29-31 and 35, that numbered paragraphs 0005, 0013, 0031-0033 and 0075 of Lewis disclose a) creating an urgent update notification (UUN), sending the urgent update notification (UUN) to the network appliances, and providing the urgent update to the network appliances; b) in response to determining that a message includes an urgent update notification (UUN), establishing a connection with a server and obtaining the urgent update; c) an update server configured to send an urgent update notification (UUN) to each network appliance, and a network appliance configured to receive an UUN and

obtain the urgent update(s) from the update server; d) means for creating an UUN associated with an urgent update, means for sending the UUN to network appliances as messages, and means for providing the urgent update to the network appliances; and e) means for determining when a received message includes an UUN associated with an urgent update, means for establishing a connection with a server in response to a determination that the message includes an UUN associated with an urgent update, and means for obtaining the urgent update from the server.

These assertions are respectfully traversed.

Numbered paragraph 0005 discloses that a user can “pull” data items from a host system. This paragraph further indicates this “pull” system does not alert the user of data items to be pulled. In particular, it states that *“Shortly thereafter a new message could be sent to the user, but the user would not receive that message until the next time the user fetches the user data items. Thus, a user may fail to respond to an emergency update or message because the user only periodically synchronizes the system, such as once per day.”* Contrary to the Examiner’s assertions, numbered paragraph 0005 of Lewis does not disclose or suggest generating and sending an urgent update notification (UUN) and then providing the urgent update. Thus, paragraph 0005 fails to disclose or suggest the concept of a UUN, in particular of a UUN being generated and sent or pushed to a network appliance, and the network appliance responding to the UUN by pulling an urgent update associated with or indicated by the UUN, as encompassed by the claims.

Numbered paragraph 0013 discloses a host system that can push data items to a mobile device through a routing system preferably by repackaging the user’s data items for transparent delivery through the routing system to the mobile device. This paragraph further discloses that different data items can be pushed, for example E-mail messages, journal entries, database updates, audio files, and Java programs. Contrary to the Examiner’s assertions, numbered paragraph 0013 of Lewis does not disclose or suggest determining and sending an urgent update notification (UUN) and then providing a corresponding urgent update. Lewis’s paragraph 0013 does not even appear to disclose or suggest a UUN. Therefore, paragraph 0013 fails to disclose or suggest the concept of a UUN, in particular of a UUN being generated and sent or pushed to a network appliance, and the

network appliance responding to the UUN by pulling an urgent update associated with or indicated by the UUN, as encompassed by the claims.

Numbered paragraphs 0031-0033 disclose system elements to implement or support pushing data to a mobile device (“mobile device 24”), discloses messages (e.g. “message A”) sent internally within a local area network (“LAN 14”) that is part of a host system (host system 28), and discloses messages (e.g. “message C”) sent from a mobile device external to the local area network. These paragraphs also disclose that the message C can be a command message from the mobile device 24 to the host system 28. Paragraph 0032 discloses push-based messages, and paragraph 0033 discloses pushing email to a wireless device 24. But, these paragraphs do not disclose or suggest the concept of a UUN, in particular of generating a UUN and then pushing the UUN to a network appliance, and the network appliance responding to the UUN by pulling an urgent update associated with or indicated by the UUN, as encompassed by the claims.

Numbered paragraph 0075 discloses transferring a data item (e.g. “data item A”), repackaged in an outer envelope (e.g., “envelope B”) from an Application Service Provider (e.g. “ASP 104”) to a mobile device (e.g. “mobile device 24”) through a router (e.g. “wireless router 20”) that has a firewall. This paragraph further discloses that only “authorized host systems can exchange data with mobile devices 24”, and appears to disclose that the firewall of the router 20 is configured with holes for communications between the authorized host systems and the mobile devices through the firewall. (See, e.g., mention of “one skilled in the art of firewall configuration”). In other words, Lewis teaches that each host system has its own hole through the router’s firewall, and pushes communications through this hole to a mobile device.

Numbered paragraph 0075 does not disclose or suggest the concept of a UUN, in particular of a UUN being generated and sent or pushed to a network appliance, and the network appliance responding to the UUN by pulling an urgent update associated with or indicated by the UUN, as encompassed by the claims.

For at least these reasons, Lewis as applied in the Office Action fails to disclose or suggest independent Claims 1, 13, 21, 29-31 and 35, likewise fails to disclose their dependent claims for at least the same reasons. Withdrawal of the rejection of Claims 1-6, 13-15, 20-21, 23-24, 29-35, and 37 under U.S.C. §102(b) over Lewis is respectfully requested.

In the event the Examiner decides to continue rejection the claims in view of Lewis, the Examiner is requested to specifically address Applicants' detailed remarks above regarding Lewis's numbered paragraphs 0005, 0013, 0031-0033, and 0075.

Rejections under 35 U.S.C. §103(a)

In the Office Action, the Examiner rejects Claims 7-11, 16-19, 22, 24-28 and 36 under 35 U.S.C. §103(a) as being unpatentable over Lewis in view of El-Hajj et al. (US Patent Application Publication No. 2005/0203673) (El-Hajj). This rejection is respectfully traversed.

El-Hajj fails to overcome the deficiencies of Lewis described above with respect to the allowable independent claims, from which Claims 7-11, 16-19, 22, 24-28 and 36 variously depend. For at least this reason, Claims 7-11, 16-19, 22, 24-28 and 36 are likewise allowable. Withdrawal of the rejection of Claims 7-11, 16-19, 22, 24-28, and 36 under 35 U.S.C. §103(a) over Lewis in view of El-Hajj is respectfully requested.

CONCLUSION

Applicants respectfully submit that the application is in condition for allowance. Favorable consideration on the merits and prompt allowance are respectfully requested. In the event any questions arise regarding this communication or the application in general, the Examiner is invited to contact Applicants' undersigned representative at 1.206.262.8900.

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Respectfully submitted,

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